GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:3974
ANSWERED ON:18.04.2002
MANUFACTURING OF DUPLICATE ITEMS BY REPUTED COMPANIES
ASHOK KUMAR PATEL;RAMPAL SINGH

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether in view of the non-effectiveness of the extent of rules regarding manufacturing of duplicate items of reputed companies and unauthorised use of their brand names, the Government propose to bring such crimes under the purview of criminal cases;

(b) if so, the details thereof; and

(c) the time by which a final decision is likely to be taken in this regard?

Answer

MINISTER OF LAW, JUSTICE & COMPANY AFFAIRS (SHRI ARUN JAITLEY)

(a) to (c) The Trade and Merchandise Marks Act, 1958 basically deals with the registration and protection of trade marks in order to protect the Intellectual Property inherent in a trade mark. It provides penalties for infringement/falsification of a registered trade mark through various provisions under the Act. These are being further enhanced under the to-be-operationalized Trade Marks Act, 1999. Penal provisions under the Trade Marks Act, 1999 have been enhanced to provide for more effective deterrence. Sections 101 to 105 of the Trade Marks Act, 1999 provide necessary penalties for falsifying and falsely applying trade marks. Offences under Sections 103, 104 and 105 have been made cognizable and the period of imprisonment is to be not less than six months upto a maximum of 3 years with a minimum fine of Rs.50,000/- which may extend to Rs.2,00,000/-. Penal provisions for subsequent offences have also been enhanced.